

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PROMETHEUS DORSEY,

Plaintiff,

v.

TETRA TECH EC, INC., et al.,

Defendants.

Case No. 18-cv-03623-HSG

**ORDER DECLINING TO ADOPT
MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AS MOOT**


Re: Dkt. Nos. 19, 22

The Court has reviewed Magistrate Judge Laporte's Report and Recommendation Re Dismissal, as well as objections to the report. On October 29, 2018, at the same time as his objection to the report, Plaintiff Prometheus Dorsey filed a First Amended Complaint. Dkt. No. 23 ("FAC"). The FAC does not present the deficiencies identified in Magistrate Judge Laporte's Report and Recommendation, or any other obvious deficiencies under 28 U.S.C.A. § 1915(e)(2)(B). The Court therefore declines to adopt Magistrate Judge Laporte's Report and Recommendation as moot, and finds that Plaintiff has met the pleading requirements and that the amended complaint should be served on the Defendant.

The complaint having been found to comply with 28 U.S.C. § 1915, it is **ORDERED** that the Clerk issue summons, and it is further **ORDERED** that the U.S. Marshal for the Northern District of California serve, without prepayment of fees, a copy of the complaint, any amendments, attachments, scheduling orders and other documents specified by the Clerk, and this order upon the defendant.

IT IS SO ORDERED.

Dated: 1/15/2019


HAYWOOD S. GILLIAM, JR.
United States District Judge